

State of South Dakota

EIGHTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2011

400S0188

HOUSE ENGROSSED NO. **HB 1021** - 1/24/2011

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the inspection of
2 parole files.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-15-1 be amended to read as follows:

5 24-15-1. If a defendant is sentenced to the state penitentiary, the Department of Corrections
6 shall develop a file which shall contain a complete history of that person. The executive director
7 of the Board of Pardons and Paroles shall generate an adequate case history of each inmate of
8 the state penitentiary to enable the executive director to make recommendations to the Board
9 of Pardons and Paroles. The case history shall be transferred and kept as a permanent record of
10 the Department of Corrections, solely for the proper supervision of the inmate by the
11 Department of Corrections and as a guide to the inmate's needs. Except for the information
12 authorized for release pursuant to § 24-2-20, no person other than members of the Board of
13 Pardons and Paroles, its executive director, the secretary of corrections, or any person
14 specifically delegated for such access by the secretary of corrections, may inspect such file
15 unless otherwise ordered by a circuit court or subpoena after notice to the secretary of



1 corrections and an opportunity for a hearing on any objections to inspection. The secretary shall
2 have ten days after receipt of the notice to inform the court if the secretary requests a hearing.

3 Section 2. That § 24-15A-14 be amended to read as follows:

4 24-15A-14. If a defendant is sentenced to prison, the department shall develop a file which
5 shall contain a complete history of that person. Except for the information authorized for release
6 pursuant to § 24-2-20, the record shall be a permanent record of the department, solely for the
7 proper supervision of the inmate by the department and as a guide to the inmate's needs. No
8 person other than members of the board, its executive director, the secretary, and any person
9 specifically delegated for such access by the secretary, may inspect the file unless otherwise
10 ordered by a circuit court or subpoena after notice to the secretary and an opportunity for a
11 hearing on any objections to inspection. The secretary shall have ten days after receipt of the
12 notice to inform the court if the secretary requests a hearing.